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PATENT
MS Docket No. 146907.1
LH&D Docket No. MCS-116-99

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SERVER RECORDING AND CLIENT PLAYBACK

OF COMPUTER NETWORK CHARACTERISTICS

This declaration is of the following type:

- original
- divisional
- continuation
- continuation-in-part

the specification of which

(check one) _____ is attached hereto

XX was filed on 12/15/99
Application Serial No. 09/461,900
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I do not know and do not believe that the invention was ever known or used in the United States of America before my or our invention thereof;

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application;

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

The invention has not been patented or made the subject of any inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and

As to applications for patents or inventor's certificate on the invention
filed in any country foreign to the United States of America, prior to this application by me or my
legal representatives or assign:

XX no such applications have been filed, or
such applications have been filed as follows:

PRIORITY CLAIM (35 U.S.C. §119)

We hereby claim foreign priority benefits under Title 35, United States Code, §119, of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

A. Prior foreign/PCT application(s) filed within 12 mos. (6 mos. for design) prior to this application, and any priority claims under 35 U.S.C. §119

Country/PCT Application No. Date Filed Priority Claimed

NONE Yes No
 Yes No
 Yes No

B. All foreign application(s), if any, filed more than 12 mos. (6 mos. for design) prior to this U.S. application

Country: **NONE**
Application No.:
Filing Date:

**PRIOR U.S. APPLICATION(S) FOR WHICH BENEFIT
UNDER 35 U.S.C. §119(e) or 35 U.S.C. §120 IS CLAIMED**

Serial No. Filing Date Patented Pending Abandoned Provisional Application

NONE

POWER OF ATTORNEY

I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

| | |
|-------------------|-------------------------|
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DECLARATION

I/We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of sole or first inventor: Eric W. Nace

Inventor's signature: Eric W. Nace

Date: 4/7/00

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